

FORM FOR USE IN APPLICATIONS
 RECEIVED
 FOR HABEAS CORPUS UNDER 28 U.S.C. §2254

2005 JUN 13 A 10:01

Carlos Demetris McQuarley
 Name

RECEIVED
 U.S. DISTRICT COURT
 MIDDLE DISTRICT ALA

Prison Number

198468

Easterling, Corr. Fac, 200 Wallace Drive,
Chgo, ALA 36017
 Place of Confinement

United States District Court Northern middle District of Alabama

Case No. 96.3396.00 2:05CV558-T
 (To be supplied by Clerk of U. S. District Court)

Carlos Demetris McQuarley, PETITIONER
 (Full name) (Include name under which you were convicted)

Ms. Moshey, RESPONDENT
 (Name of Warden, Superintendent, Jailor, or authorized person
 having custody of Petitioner)

and

THE ATTORNEY GENERAL OF THE STATE OF Alabama, Birmingham
S. Montgomery, ADDITIONAL RESPONDENT.

(if petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where the judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. §2255, in the federal court which entered the judgment.)

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN
 STATE CUSTODY

INSTRUCTIONS--READ CAREFULLY

- (1) This petition must be legibly handwritten or typewritten and signed by the petitioner under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.

The Judicial Conference of the United States has adopted, effective 1/1/83, the 8-1/2 x 11 inch paper size standard for use throughout the federal judiciary and directed the elimination of the use of legal size paper. All pleadings, etc. filed after 12/31/82 must be on 8-1/2 x 11 inch paper, otherwise we cannot accept them.

- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary filing fee, you may request permission to proceed in forma pauperis, in which event you must execute the declaration on the last page, setting forth information establishing your inability to prepay the fees and costs or give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.
- (5) Only judgments entered by one court may be challenged in a single petition. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions as to each court.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, the original and two copies^{*} must be mailed to the Clerk of the United States District Court whose address is
P. O. Box 711, Montgomery, Alabama 36101

- (8) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

*If you are proceeding in forma pauperis, only the original petition needs to be filed with the Court.

PETITION

1. Name and location of court which entered the judgment of conviction under attack Birmingham Circuit Court
2. Date of judgment of conviction 4/28/98
3. Length of sentence 25 years Sentencing Judge Judge Pearson
4. Nature of offense or offenses for which you were convicted: 1st degree Robbery
when it suppose to be second degree, Because of the like of
No evidence.
5. What was your plea? (check one)
 - (a) Not guilty ()
 - (b) Guilty (☒) to second Degree Robbery
 - (c) Nolo contendere ()

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details: the attempt murder
was thrown out the courts, Because of No kind of evidence

6. Kind of trial: (Check one)
 (a) Jury ()
 (b) Judge only (X)
7. Did you testify at the trial? Yes () No (X)
8. Did you appeal from the judgment of conviction? Yes (X) No ()
9. If you did appeal, answer the following:
 (a) Name of court Circuit Court
 (b) Result Dismiss
 (c) Date of result 4/19/04
 If you filed a second appeal or filed a petition for certiorari in the Supreme Court, give details: Dismiss
10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal? Yes (X) No ()
11. If your answer to 10 was "yes", give the following information:
 (a) (1) Name of court Supreme Court
 (2) Nature of proceeding Dismiss
 (3) Grounds raised In Brady the court held due process was violated where after the defendant's request the state failed to reveal evidence that was material either to guilt or punishment. The court in Brady reasoned that if the state were allowed to withhold potentially exculpatory evidence which has been demanded by the defendant.
 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes () No (X)
 (5) Result did not have a evidentiary hearing
 (6) Date of result _____
 (b) As to any second petition, application or motion give the same information:
 (1) Name of court Circuit & Supreme
 (2) Nature of proceeding Dismiss
 (3) Grounds raised A conviction obtained through the use of false evidence must fall under *Mooney v. Holohan* 294 U.S. 103 55 S.Ct. 340 79 L.Ed. 791 (1935) *Pyle v. Kansas* 317 U.S. 213, 63 S.Ct. 177, 87 L.Ed. 214 (1942) even if the state merely allows the false evidence to go uncorrected *Alcorta v. Texas* 355 U.S. 28 78 S.Ct. 103 2 L.Ed. 2d 9 (1957). Courts recognize that a defendant's rights to a fair trial is violated when the state knowingly allows false evidence to be used against the defendant *Miller v. Pate* 386 U.S. 1, 87 S.Ct. 785 17 L.Ed. 2d 690 (1967).
 (4) Did you receive an evidentiary hearing on your petition, application or motion? Yes () No (X)
 (5) Result did not have a evidentiary hearing
 (6) Date of result _____

(c) As to any third petition, application or motion, give the same information:

(1) Name of Court Circuit Court
 (2) Nature of proceeding dismiss

(3) Grounds raised The court complains through inadvertence he was sentenced to 25 years for a class B felony of the mistaken belief he pled guilty to Robbery first degree in exchange for an attempted murder charge being dismissed. Petitioner further claims that to the best of his recollection he entered a plea to Robbery second degree. Which he did because of the: NO evidence was found on petitioner and if you dismiss one case you have to dismiss the other case are lower it to 2 or 3rd degree.

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes () No (☒)

(5) Result Because the courts do not have NO evidence, to prove a point

(6) Date of result NO evidence that's why

(d) Did you appeal to the highest state court having jurisdiction the result of any action taken on any petition, application or motion:

(1) First petition, etc. Yes (☒) No ()

(2) Second petition, etc. Yes (☒) No ()

(3) Third petition, etc. Yes (☒) No ()

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not: _____

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. As to all grounds on which you have previously exhausted state court remedies, you should set them forth in this petition if you wish to seek federal relief. If you fail to set forth all such grounds in this petition, you may be barred from presenting them at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted all your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

If you select one or more of these grounds for relief, you must allege facts in support of the ground or grounds which you choose. Do not check any of the grounds listed below. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure, [where the state has not provided a full and fair hearing on the merits of the Fourth Amendment claim].
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest, [where the state has not provided a full and fair hearing on the merits of the Fourth Amendment claim].
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: false Evidence which is none

Supporting FACTS (tell your story briefly without citing cases or law): The false evidence to go uncorrected *Alcorta v. Texas* 355 U.S. 28, 78 S.Ct 103 2 LEd 2d 9 (1957), courts recognize that a defendant's rights to a fair trial is violated when the state knowingly allows false evidence to be used against the defendant *Miller v. Pate* 386 U.S. 187 S.Ct 785, 17 LEd 2d 690 (1967) *Napue v. Illinois* 360 U.S. 264 79 S.Ct 1173 3 LEd 2d 1317 (1959). Similarly a defendant's rights are violated if the state withholds favorable material evidence which the defendant has requested *Brady v. Maryland* 373 U.S. 83, 83 S.Ct 1197 10 LEd 2d 815 (1963) *United States v. Agurs* 427 U.S. 97, 96 S.Ct 2392 49 LEd 2d 342 (1976).

B. Ground two: withdrawal of guilty plea

Supporting FACTS (tell your story briefly without citing cases or law): withdrawal of guilty plea. The court shall allow withdrawal of a plea of guilty when necessary to correct a manifest injustice. upon withdrawal of a guilty plea the charges against the defendant as they existed before any amendment, reduction or dismissal made as part of a plea agreement shall be reinstated automatically [Amended effective January 1, 1991 / see rule 11 Fed R. Crim. P. This procedure is called for by A.B.A. Standards for criminal Justice pleas of guilty 14-1.4 (2d ed 1986), and is widely practiced by Alabama trial judges see e.g., *Johnson v. State*, 52 Ala App. 94, 209 So. 2d 662 (1973). The record should affirmatively reflect the question asked and the defendant's responses. This practice will protect the courts by providing an adequate basis for review on appeal

C. Ground three: misunderstanding of the Courts

Supporting FACTS (tell your story briefly without citing cases or law): The Courts Threw out a attempt murder charge without hearing or Dismissing the other charge. The courts fail to follow the rules of Constitutional rights. By not Dismissing both charges Because of the fact NO evidence was found..

D. Ground four: The Boykin Colloquy needs to be showed

Supporting FACTS (tell your story briefly without citing cases of law): The advisory committee believes that, in light of the Boykin requirement that the trial judge make sure that the defendant has a full understanding of what the plea connotes and of its consequence the better practice is routine disclosure of such information sub subsections and are intended to meet the Boykin requirement that the defendant fully understand the Constitutional rights which he waives by pleading guilty. Section (B) satisfies the requirement in Clark v State 594 A2d 485, 488, 318 SO.2d 805, 807-808 (1974). By the Courts showing the Boykin colloquy Allen v State 50 A1A, App. 310, 278 SO.2d 758 (1973) citing Magullian v State, 49 A1A, App 348, 270 SO.2d 680 (A1A com App 1972).

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal state briefly what grounds were not so presented, and give your reasons for not presenting them: The reason why the Boykin was not presenting: Is because the courts fail to show a colloquy on the defendant.. of showing him the true elements of his case.. of what suppose to go on on his cases..

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes ☒ No ()
15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:
- (a) At preliminary hearing Boothaker Joseph L
- (b) At arraignment and plea

C. Ground three: _____

Supporting FACTS (tell your story briefly without citing cases or law): _____

same

D. Ground four: _____

Supporting FACTS (tell your story briefly without citing cases of law): _____

same

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal state briefly what grounds were not so presented, and give your reasons for not presenting them: _____

same

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes () No ()

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing _____

(b) At arraignment and plea _____

same

C. Ground three: _____

Supporting FACTS (tell your story briefly without citing cases or law): _____

Same

D. Ground four: _____

Supporting FACTS (tell your story briefly without citing cases of law): _____

Same

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal state briefly what grounds were not so presented, and give your reasons for not presenting them: _____

Same

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes () No ()

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing _____

(b) At arraignment and plea _____

Same

3. Do you own cash, or do you have money in a checking or savings account?
[Include any funds in prison accounts.] YES () NO (✓)

If the answer is YES, state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property [excluding ordinary household furnishings and clothing]?
YES () NO (✓)

If the answer is YES, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons and indicate how much you contribute toward their support. I can't support know one right now, I'm in prison.
- _____
- _____

Carlos D. McQuarley
Signature of Affiant

STATE OF ALABAMA)
COUNTY OF Barbara)

Before me, a notary public in and for said County, in said State,
personally appeared Carlos McQuarley, whose name is signed
to the foregoing complaint, who being first duly sworn, deposes on oath and
says:

That the information set forth in the foregoing affidavit is true and correct to the best of his knowledge and belief.

Carlos McQuarley
Signature of Affiant

Sworn to and subscribed before me this 9 day of June, 2005.

Bar K. Davis
Notary Public

Bar County, Alabama

O R

In the United States District Court
For the Northern District of Alabama

FORM FOR USE IN APPLICATION FOR
HABEAS CORPUS UNDER 28 U.S.C. § 2254

CIVIL ACTION NUMBER: **CR-04-1136**

Northern District Court

(To be supplied by the Clerk of the District Court)

Carlos McQuarley

Full Name of Plaintiff-Petitioner

Easterling Corr. Fac

Place of Confinement

VS.

Ms. Mosley

(Name of Warden, Superintendent, Jailer, or authorized
person having custody of petitioner)

and

THE ATTORNEY GENERAL OF THE STATE OF ALABAMA,

Birmingham & Montgomery Alabama
Respondents

(If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where the judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 USC § 2255, in the federal court which entered the judgment.)

PETITION FOR WRIT OF HABEAS CORPUS BY A
PERSON IN STATE CUSTODY

INSTRUCTIONS -- READ CAREFULLY

- (1) This petition must be legibly handwritten or typewritten and signed by the petitioner under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (2) Do not use this form unless you were convicted in one of the following counties: BIBB, BLOUNT, CALHOUN, CHEROKEE, CLAY, CLEBURN, COLBERT, CULLMAN, DEKALE, ETOWAH, FAYETTE, FRANKLIN, GREENE, JACKSON, JEFFERSON, LAMAR, LAUDERDALE, LAWRENCE, LIMESTONE, MADISON, MARION, MARSHALL, MORGAN, PICKENS, SHELBY, ST. CLAIR, SUMTER, TALLADEGA, TUSCALOOSA, WALKER, WINSTON.

DEBRA P. JACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

2005 JUN 13 A 10:01

RECEIVED

- (3) Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary filing fee, you may request permission to proceed *in forma pauperis*, in which event you must execute the declaration on the last page, setting forth information establishing your inability to prepay the fees and costs or give security therefor.
- (5) Only judgments entered by one court may be challenged in a single petition. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions as to each court.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, *the original and two copies* must be mailed to the Clerk of the United States District Court for the Northern District of Alabama, 104 Federal Courthouse, 1800 Fifth Avenue, North, Birmingham, Alabama 35203.
- (8) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

PETITION

1. Name and location of court which entered the judgment of conviction under attack
Birmingham Circuit Court
2. Date of judgment of conviction 4/28/98
3. Length of sentence 25 years for first offender
4. Nature of offense involved (all counts) 1st degree Robbery when it
suppose to be second degree, Because of the like of No
evidence
5. What was your plea? (Check one)
 - (a) Not guilty ()
 - (b) Guilty (X) suppose to have been second Degree Robbery
 - (c) Nolo contendere ()

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details: The attempt murder
was thrown out the courts, Because of No kind of evidence on
defender
6. Kind of trial: (Check one)
 - (a) Jury ()
 - (b) Judge only (X)
7. Did you testify at the trial?
Yes () No (X)

8. Did you appeal from the judgment of conviction?
Yes (X) No ()
9. If you did appeal, answer the following:
(a) Name of court Circuit Court
(b) Result Dismiss
(c) Date of result 4/19/04
10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?
Yes (X) No ()
11. If your answer to 10 was "yes," give the following information:
- (a)(1) Name of court Supreme Court
(2) Nature of proceeding Dismiss
(3) Grounds raised In Brady the court held due process was violated where after the defendant request the state failed to reveal evidence that was material either to guilt or punishment. The court in Brady reasoned that if the state were allowed to withhold potentially exculpatory evidence which has been demanded by the defendant.
(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes () No (X)
(5) Result did not have a evidentiary hearing
(6) Date of result _____
- (b) As to any second petition, application or motion give the same information:
(1) Name of court Circuit & Supreme
(2) Nature of proceeding Dismiss
(3) Grounds raised A conviction obtained through the use of false evidence must fall mooney v. Holohan 394 U.S. 103 55 S.Ct. 246 78 L.Ed 781 (1969) Rule 11, Kansas 317 U.S. 323 42 S.Ct. 197 87 L.Ed 211 (1942) Even so the state clearly allows the false evidence to go uncorrected. Miller v. Texas 355 U.S. 313 78 S.Ct. 1103 (1957) courts recognize that a defendant rights to a fair trial is violated when the state knowingly allows false evidence to be used against the defendant Miller v. State 386 U.S. 87 S.Ct. 785 17 LEd 2d 690 (1967).
(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes () No (X)
(5) Result _____
(6) Date of result none
- (c) As to any third petition, application or motion, give the same information:
(1) Name of court Circuit Court
(2) Nature of proceeding Dismiss
(3) Grounds raised The court's complains that I cope out to a first degree Robbery for a change of dropping the attempt of murder.. And the defender did not have know kind of evidence on him for either one of these Charge to be place on him.. Need to be look into..
(4) Did you receive an evidentiary hearing on your petition, application or motion?
Yes () No (X) and need one

- (5) Result none
- (6) Date of result _____
- (d) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?
- (1) First petition, etc Yes (☒) No (☐)
- (2) Second petition, etc Yes (☒) No (☐)
- (3) Third petition, etc Yes (☒) No (☐)
- (e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not: _____

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

Caution: In order to proceed in the federal court, you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand jury or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: false Evidence

Supporting FACTS (tell your story briefly without citing cases or law): The false evidence to go uncorrected Alnorta v Texas 355 U.S. 28, 78 Ct 103 a Led ad 9 (1957) courts recognize that a defendant rights to a fair trial is violated when the state knowingly allows false evidence to be used against the defendant miller v. pate 384 US 487 S.Ct 785 17 Led ad 690 (1967) mapue v Illinois 380 U.S. 864 79 S.Ct 1173 Led ad. Similarly a defendants rights are violated if the state withholds favorable material evidence which the defendant requested ,

B. Ground two: Withdrawal of guilty plea

Supporting FACTS (tell your story briefly without citing cases or law): Withdrawal of guilty plea. The court shall allow withdrawal of a plea of guilty when necessary to correct a manifest injustice upon withdrawal of a guilty plea the charges against the defendant should be changed Because false evidence.

C. Ground three: The Boykin Colloquy needs to be showed

Supporting FACTS (tell your story briefly without citing cases or law): The advisory committee believes that, in light of the Boykin requirement that the trial Judge make sure that the defendant has a full understanding of what the plea guilty mean.. As well as has rights which is should on the Boykin Colloquy: with out that the Courts need to show some more fact of evidence.

D. Ground four: misunderstanding of the courts

Supporting FACTS (tell your story briefly without citing cases or law): The Courts throw out a attempt murder charge with out lowering or Dismissing the other Charge.. The courts fail to follow the rules of Constitutional rights By not Dismissing both charges Because of the fact, there was NO evidence found on defendant.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: The reason why the Boykin was not presenting, Is because the courts fail to show a Colloquy on the defendant, of showing him the true elements of his case.. of what suppose to go on, on his Cases..

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes (☒) No (☐)

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:
(a) At preliminary hearing Joseph L. Boshaker

(b) At arraignment and plea _____

(c) At trial _____

un none

(d) At sentencing _____

(e) On appeal _____

(f) In any post-conviction proceeding _____

(g) On appeal from any adverse ruling in a post-conviction proceeding _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?
Yes () No (X)

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?
Yes () No (X)

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

None

(b) And give date and length of sentence to be served in the future: _____

None

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?
Yes () No ()

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on _____ (Date)

Signature of Petitioner